



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of October 27, 2015
Second Reading for the City Council Meeting of November 10, 2015

DATE: June 18, 2015

TO: Ronald L. Olson, City Manager

FROM: Daniel Grimsbo, P.E., Director, Development Services Department
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Ordinance authorizing the City Manager to execute a use privilege agreement with the Tulo-so-Midway Independent School District located at 2653 McKinzie Road

CAPTION:

Ordinance authorizing the City Manager to execute a use privilege agreement with the Tulo-so-Midway Independent School District (“Permittee”) to install, operate, maintain, and remove a private eight-inch PVC wastewater sanitary sewer main (“Wastewater Line”) across the Haven Drive public street right-of-way, located west of McKinzie Road public right-of-way, subject to the Permittee’s compliance with specified conditions.

PURPOSE:

The purpose of the use privilege agreement is to allow Tulo-so-Midway Independent School District the ability to provide restroom services to the Tulo-so-Midway Agricultural Complex restroom facilities, located at 2653 McKinzie Road.

BACKGROUND AND FINDINGS:

Tulo-so-Midway Independent School District (“Permittee”) desires to install, operate, maintain, and remove a private eight-inch PVC wastewater sewer main (“Wastewater Line”) across the Haven Road Drive public street right-of-way. The wastewater sewer main being installed will be crossing approximately 128 linear feet of the Haven Drive public street right-of-way. The private 8-inch sanitary sewer line authorized by this Agreement is strictly limited to providing sanitary sewer service to the Tulo-so-Midway Independent School District facilities, in the Use Privilege Area. Staff recommends that the Permittee pay a one-time payment of \$900.00 for the use privilege agreement, for the use of the Haven Drive public street right-of-way. Permittee must comply with all the specified conditions of the ordinance within 180 days of Council approval.

ALTERNATIVES:

Deny the request of a Use Privilege Agreement.

OTHER CONSIDERATIONS: Not applicable

CONFORMITY TO CITY POLICY:

City Charter Article IX, Section 1, requires City Council approval for use of any portion of public right-of-way for private purposes. Ordinance 026217, Section 3. Section. 49-61. Fees for use of public ways by unauthorized pipelines.

EMERGENCY / NON-EMERGENCY: Non-Emergency

DEPARTMENTAL CLEARANCES:

All public and franchised utilities were contacted. None of the City departments or franchised utility companies had any facilities or objections regarding the proposed Use Privilege Agreement, provided the applicant meets the specified conditions set out in the Use Privilege Agreement.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2014-2015	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item		\$900.00	\$900.00	\$900.00
BALANCE		\$900.00	\$900.00	\$900.00

Fund(s):

Comments: None

RECOMMENDATION:

Staff recommends approval and adoption of the ordinance. Owners must comply with all the following specified conditions of the ordinance:

- a. In exchange for the City’s authorization for use of the public right-of-way by the Permittee for the stated purpose, the Permittee agrees to provide the City with a one-time Use Privilege Agreement fee of \$900.00.
- b. The Permittee’s use of the private eight-inch PVC wastewater sewer main is strictly limited to serving the Permittee’s Tuloso-Midway Agricultural Complex restroom facilities on Haven Drive. Permittee may not provide wastewater

service through the wastewater sewer main to any facilities other than the facilities specified in this section nor may Permittee permit or allow anyone else to provide wastewater service or any other service through the force main to any facility whether owned by the Permittee or by another person or entity.

- c. All costs incurred to install, operate, maintain, repair, and remove the eight-inch PVC wastewater sewer main are the sole responsibility of the Permittee.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits
Location Map